

Application Serial No. 10/624,466
Reply to Office Action dated September 3, 2004

**EXPEDITED HANDLING PROCEDURE
PURSUANT TO 37 C.F.R. § 1.116**

REMARKS/ARGUMENTS

Although the Applicant wholeheartedly disagrees with the Examiner concerning the obviousness of employing a control system for a microwave oven on a cooktop in order to meet many of the claims in the present application, it is believed that the present amendment/response clearly places the application in condition for allowance such that entry of this amendment/response, allowance of the claims and passage of the application to issue are respectfully requested.

In the prior interview conducted with the Examiner on December 2, 2004, it was agreed that amending claim 1 to recite that the heating element is activated at the initial power level for a predetermined time period "without a user having to set the initial power level" would be allowable over the prior art. This change was incorporated into the application by presenting new independent claim 21 which represented prior claim 1 with this phrase change. Consistent with the interview, the Examiner has allowed claim 21. However, independent claim 1, without this change, stands rejected. By the present amendment/response, independent claim 1 was been canceled. Instead of canceling the claims dependent thereon, i.e., claims 2-4 and 8-10, the dependencies of these claims have simply been transferred over to allowed independent claim 21 by changing the dependency of claim 2. Based on the allowance of claim 21, it is respectfully submitted that claims 2-4, 8-10 and 21 should now be in clear condition for allowance.

The Examiner has already allowed the second independent claim set, i.e., claims 5-7.

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With respect to the third claim set, claim 11 stands rejected, but dependent claims 13-15 have been indicated to contain allowable subject matter. By this amendment, claims 11 and 12 have been canceled and the subject matter thereof incorporated into claim 13. Therefore, claim 13 has been placed in independent form including all the limitations of the base claim and any intervening claims. Given the indication of the allowability of the subject matter of claim 13, it is respectfully submitted that this claim has now been placed in clear condition for allowance. Claim 16 was previously dependent from claim 11 such that the dependency thereof has been changed to the newly presented independent claim 13. Based on the indication of allowable subject matter, it is respectfully submitted that claims 13-16 should also now be in clear condition for allowance.

Finally, with respect to claim set 17-20, the Applicant proposes to amend claim 17 in a manner directly corresponding to that agreed upon with the Examiner in connection with allowable claim 21 so as to specify that the initial power level for the heating element is established for a predetermined time period "without a user having to set the initial power level." With this change, it is respectfully submitted that claim 17 represents the corresponding method to the structure of independent claim 21. Therefore, it is respectfully submitted that claims 17-20 should also now be in clear condition for allowance.

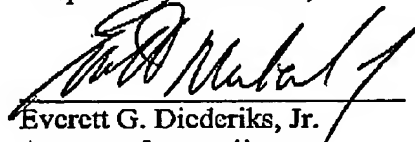
Based on the prior agreements reached with the Examiner, the indication of allowable subject matter in the application, and the manner in which the claims have now been amended, it is respectfully submitted that all the claims in this application should be in clear condition for allowance upon entry of this amendment/response. If the Examiner

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should have any additional concerns regarding the allowance of this application, he is cordially invited to contact the undersigned at the number provided below to further expedite the prosecution.

Respectfully submitted,


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Date: April 8, 2005
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